

PAKISTAN OR THE PARTITION OF INDIA

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SUPPLEMENTARY COMMUNAL AWARD ²⁷

"Then there was the question of the representation of communities in the Centre, particularly of the Muslim community. There, I think, I can say definitely—I think I have said it indirectly very often before — that the Government consider that the Muslim community should have a representation 33 1/3 percent in the Federal Centre. As far as Indian India is concerned that must be a matter for arrangement between the communities affected and the princes, but, so far as the British Government has any part in the question we will, at any time, give our good offices to making it as easy as possible for the arrangement between those parties with regard to the future allocation of seats."

APPENDIX XX

POONA PACT ²⁸

(1) There shall be seats reserved for the Depressed Classes out of the general electorate seats in the Provincial Legislatures as follows:—

Madras 30; Bombay with Sind 15; Punjab 8; Bihar and Orissa 18; Central Provinces 20; Assam 7; Bengal 30; United Provinces 20; Total 148.

These figures are based on the total strength of the Provincial Councils, announced in the Prime Minister's decision.

(2) Election to these seats shall be by joint electorates subject, however, to the following procedure:

All the members of the Depressed Classes registered in the general electoral roll in a constituency will form an electoral college, which will elect a panel of four candidates belonging to the Depressed Classes for each of such reserved seats, by the method of the single vote; the four persons getting the highest number of votes in such primary election, shall be candidates for election by the general electorate.

(3) Representation of the Depressed Classes in the Central Legislature shall likewise be on the principle of joint electorates and reserved seats by the method of primary election in the manner provided for in Clause two above, for their representation in the Provincial Legislatures.

(4) In the Central Legislature, eighteen percent of the seats allotted to the general electorate for British India in the said Legislature shall be reserved for the Depressed Classes.

(5) The system of primary election to a panel of candidates for election to the Central and Provincial Legislatures, as herein before mentioned, shall come to an end after the first ten years, unless terminated sooner by mutual agreement under the provision of Clause six below.

(6) The system of representation of the Depressed Classes by reserved seats in the Provincial and Central Legislatures as provided for in Clauses 1 and 4 shall continue until determined by mutual agreement between the communities concerned in the settlement.

(7) Franchise for the Central and Provincial Legislature's for the Depressed Classes shall be as indicated in the Lothian Committee Report.

(8) There shall be no disabilities attaching to anyone on the ground of his being a member of the Depressed Classes in regard to any elections to local bodies or appointment to the Public Services. Every endeavour shall be made to secure fair representation of the Depressed Classes in these respects, subject to such educational qualifications as may be laid down for appointment to the Public Services.

(9) In every province, out of the educational grant an adequate sum shall be earmarked for providing educational facilities to the members of the Depressed Classes.

APPENDIX XXI

**MINORITY REPRESENTATION UNDER THE GOVERNMENT OF INDIA ACT
OF 1935 IN PROVINCIAL LEGISLATURES**

1. LOWER HOUSE

PROVINCE.	Total Seats	Muslims			Scheduled Castes			Indian Christians			Sikhs		
		Seats allotted under the Act	Seats due accordi ng tot populat ion	Exces s + or Defici d	Seats allotted under the Act	Seats due accordi ng tot populat ion	Exces s + or Defici d	Seats allotted under the Act	Seats due to populatio n	Exces s + or Defici d	Seats allotted under the Act	Seats due to populatio n	Exces s + or Defic it -
Madras	215	29	17	+12	30	35	—5	9	9		Nil	Nil	
Bombay	175	30	16	+14	15	16	-1	3	3		Nil	Nil	
Bengal	250	119	137	—18	30	33	—3	3	Nil	+3	Nil	Nil	
U.P	228	66	35	+31	20	49	—29	2	Nil	+2	Nil	1	—1
Punjab	175	86	100	—14	8	8		2	3	—1	32	23	+9
Bihar	152	40	20	+20	15	20	—5	1	Nil	+1	Nil	Nil	
C.P. & Berar	112	14	5	+9	20	20		Nil	Nil		Nil	Nil	
Assam	108	34	36	9	7	7		1	Nil	+1	Nil	Nil	
N.-W.F.P.	50	36	46	—10	Nil			Nil	Nil		3	1	+2
Orissa .	60	4	1	+3	6	9	—3	1	Nil	+1	Nil	Nil	
Sind .	60	34	43	—9	Nil	3	—3	Nil	Nil		Nil	Nil	
Total	1585	492	456	+36	151	200	—49	22	15	—7	35	25	+10
II. UPPER HOUSE													
Madras	56	7	4	+3	Nil	9	—9	3	2	+1	Nil	Nil	
Bombay	30	5	3	+2	Nil	3	—3	Nil	Nil		Nil	Nil	
Bengal	65	17	36	—19	Nil	8	—8	Nil	Nil		Nil	Nil	
United Provinces	60	17	9	+8	Nil	13	-18	Nil	Nil		Nil	Nil	
Bihar	30	4	4		Nil	4	—4	Nil	Nil		Nil	Nil	
Assam	22	10	7	+3	Nil	1	—1	Nil	Nil		Nil	Nil	
Total	263	60	63	—3	Nil	38	—38	3	2	+1	Nil	Nil	

APPENDIX XXII

**MINORITY REPRESENTATION UNDER THE GOVERNMENT OF INDIA
ACT OF 1935 IN THE CENTRAL LEGISLATURE**

			Muslims.	Scheduled Castes.	Indian Christians.	Sikhs.
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	Total Seats for British India	Seats allotted under the Act	Seats due accordi ng to populat ion	Excess + or Deficit -	Seats allotted under the Act	Seats due accordi ng to populat ion	Excess + or Deficit -	Seats allotted under the Act	Seat s due acco rding to popu lation	Excess + or Deficit -	Seats allotted under the Act	Seat s due acco rding to popu lation	Exces s + or Deficit -
I. Lower House.	250	82	67	+15	19	35	—16	8	3	+5	6	3	+3
11. Upper House	150	49	40	+9	6	21	—15	Nil	2	—2	4	2	+2

APPENDIX XXIII

COMMUNAL REPRESENTATION IN SERVICES GOVERNMENT OF INDIA
RESOLUTION ²⁹
Establishments
the 4th July 1934

SECTION I—GENERAL

No. F. 14/17-B./33.—In accordance with undertakings given in the Legislative Assembly the Government of India have carefully reviewed the results of the policy followed since 1925 of reserving a certain percentage of direct appointments to Government service for the redress of communal inequalities. It has been represented that though this policy was adopted mainly with the object of securing increased representation for Muslims in the public services, it has failed to secure for them their due share of appointments and it has been contended that this position cannot be remedied unless a fixed percentage of vacancies is reserved for Muslims. In particular, attention has been drawn to the small number of Muslims in the Railway services, even on those railways which run through areas in which Muslims form a high percentage of the total population.

The review of the position has shown that these complaints are justified, and the Government of India are satisfied by the enquiries they have made that the instructions regarding recruitment must be revised with a view to improving the position of Muslims in the services.

2. In considering this general question the Government of India have also to take into account the claims of Anglo-Indians and Domiciled Europeans and of the depressed classes. Anglo-Indians have always held a large percentage of appointments in certain branches of the public service and it has been recognised that, in view of the degree to which the community has been dependent on this employment, steps must be taken to prevent in the new conditions anything in the nature of a rapid displacement of Anglo-Indians from their existing positions, which might occasion a violent dislocation of the economic structure of the community. The instructions which follow in regard to the employment of Anglo-Indians and Domiciled Europeans in certain departments are designed to give effect to this policy.

3. In regard to the depressed classes it is common ground that all reasonable steps should be taken to secure for them a fair degree of representation in the public services. The intention of caste Hindus in this respect was formally stated in the Poona Agreement of 1932 and His Majesty's Government in accepting that agreement took due note of this point. In the present state of general education in these classes the Government of India consider that no useful purpose will be served by reserving for them a definite percentage of vacancies out of the number available for Hindus as a whole, but they hope to ensure that duly qualified candidates from the depressed classes are not deprived of fair opportunities of appointment merely because they cannot succeed in open competition.

4. The Government of India have also considered carefully the position of minority communities other than those mentioned above and are satisfied that the new rules will continue to provide for them, as at present, a reasonable degree of representation in the services.

SECTION II—SCOPE OF RULES

5. The Government of India propose to prescribe annual returns in order to enable them to watch the observance of the rules laid down below.

6. The general rules which the Government of India have with the approval of the Secretary of State adopted with the purpose of securing these objects are explained below. They relate only to direct recruitment and not to recruitment by promotion which will continue to be made as at present solely on merit. They apply to the Indian Civil Service, the Central Services, Class I and Class II, and the Subordinate Services under the administrative control of the Government of India with the exception of a few services and posts for which high technical or special qualifications are required, but do not apply to recruitment for these Services in the province of Burma. In regard to the Railways, they apply to all

posts other than those of inferior servants or labourers on the four State-managed Railways, and the administrations of the Company-managed Railways will be asked to adopt similar rules for the services on these Railways.

SECTION III—
RULES FOR SERVICES RECRUITED ON AN ALL-INDIA BASIS

7. (1) For the Indian Civil Service and the Central and Subordinate Services to which recruitment is made on an All-India basis, the following rules will be observed:—

(i) 25 percent of all vacancies to be filled by direct recruitment of Indians, will be reserved for Muslims and $8\frac{1}{3}$ percent for other minority communities.

(ii) When recruitment is made by open competition, if Muslims or the other minority communities obtain less than these percentages, these percentages will be secured to them by means of nomination; if, however, Muslims obtain more than their reserved percentage in open competition, no reduction will be made in the percentage reserved for other minorities, while if the other minorities obtain more than their reserved percentage in open competition, no reduction will be made in the percentage reserved for Muslims.

(iii) If members of the other minority communities obtain less than their reserved percentage in open competition and if duly qualified candidates are not available for nomination, the residue of the $8\frac{1}{3}$ percent will be available for Muslims.

(iv) The percentage of $8\frac{1}{3}$ reserved for the other minorities will not be distributed among them in any fixed proportion.

(v) In all cases a minimum standard of qualification will be imposed and the reservations are subject to this condition.

(vi) In order to secure fair representation for the depressed classes duly qualified members of these classes may be nominated to a public service, even though recruitment to that service is being made by competition. Members of these classes, if appointed by nomination, will not count against the percentages reserved in accordance with clause (i) above.

(2) For the reasons given in paragraph 2 of this Resolution, the Government of India have paid special attention to the question of Anglo-Indians and Domiciled Europeans in the gazetted posts on the Railways for which recruitment is made on an All-India basis. In order to maintain approximately their present representation in these posts the Anglo-Indian and Domiciled European community will require to obtain about 9 percent of the total

vacancies available to members of Indian communities. The Government of India have satisfied themselves that at present the community is obtaining by promotions to these gazetted posts and by direct recruitment to them more than 9 percent, of these vacancies. In these circumstances, it has been decided that no special reservation is at present required. If and when the community is shown to be receiving less than 9 percent of the vacancies, it will be considered what adjustments in regard to direct recruitment may be required to safeguard their legitimate interests.

SECTION IV—RULES FOR SERVICES RECRUITED LOCALLY

(3) In the case of all services to which recruitment is made by local areas and not on an All-India basis, e.g., subordinate posts in the Railways, Posts and Telegraphs Department, Customs Service, Income-tax Department, etc., the general rules prescribed above will apply subject to the following modifications:—

(1) The total reservation for India as a whole of- 25 percent for Muslims and of 8 1/3 percent for other minorities will be obtained by fixing a percentage for each Railway or local area or circle having regard to the population ratio of Muslims and other minority communities in the area and the rules for recruitment adopted by the local Government of the area concerned;

(2) In the case of the Railways and Posts and Telegraphs Department and Customs Service in which the Anglo-Indian and Domiciled European community is at present principally employed special provisions described in the next paragraph are required in order to give effect to the policy stated in paragraph 2 above.

9. (1) (a) The Anglo-Indian and Domiciled European community at present holds 8.8 percent of the subordinate posts on the Railways. To safeguard their position 8 percent of all vacancies to be filled by direct recruitment will be reserved for members of this community. This total percentage will be obtained by fixing a separate percentage (i) for each Railway having regard to the number of members of this community at present employed, (ii) for each branch or department of the Railway service, so as to ensure that Anglo-Indians continue to be employed in those branches in which they are at present principally employed, e.g., the Mechanical Engineering, Civil Engineering and Traffic Departments. No posts in the higher grades of the subordinate posts will be reserved, and promotion to these grades will be made, as at present, solely on merit.

(b) The reservation of 25 percent for Muslims and 8 percent for Anglo-Indians makes it necessary to increase the reservation of 33 1/3 percent, hitherto

adopted for all minority communities, in order to safeguard the interests of minorities other than Muslims and Anglo-Indians. It has been decided, therefore, to reserve for them 6 percent of vacancies filled by direct recruitment, which is approximately the percentage of posts held by members of these communities at present. This total reservation will be obtained in the manner prescribed in paragraph 8 (1) of this Resolution and will not be further subdivided among the minority communities.

(2) In the Posts and Telegraphs Department the same principles will be followed as in the case of the Railways for safeguarding the interests of the Anglo-Indian and Domiciled European community which at present holds about 2'2 percent of all subordinate posts. It has been ascertained that if a reservation is made for this community of 5 percent of the vacancies in the branches, departments or categories which members of this community may reasonably be expected to enter, it will result in securing for them a percentage equal to slightly less than the percentage of subordinate posts which they at present hold. In the departments or branches in which a special reservation is made for Anglo-Indians the reservation of vacancies for other minorities will be fixed so as to be equal approximately to the percentage of subordinate posts at present held by them. The total reservation for Anglo-Indians and other minority communities, other than Muslims, will in any case be not less than 8 1/3 percent

(3) Anglo-Indians are at present largely employed in subordinate posts in the Appraising Department and in the Superior Preventive Service at the major ports. For the former department special technical qualifications are required, and in accordance with the general principles indicated in paragraph 6 of this Resolution it will be excluded from the operation of these rules.

Ill the Preventive Service special qualifications are required, and the present system of recruitment whereby posts are reserved for Anglo-Indians will be maintained.

ORDER.—Ordered that this Resolution be communicated to all Local Governments and Administrations and the several Departments of the Government of India, for information (and guidance) and that it be also published in the *Gazette of India*.

M. G. HALLET,
Secretary to the Government of India.

APPENDIX XXIV

GOVERNMENT OF INDIA RESOLUTION OF 1943 ON COMMUNAL
REPRESENTATION OF SCHEDULED CASTES IN THE SERVICES

HOME DEPARTMENT

RESOLUTION

New Delhi, the 11th August 1943

No. 23/5/42-Ests(S).—In pursuance of the undertaking given in the Central Legislative Assembly in 1942, the Government of India have carefully reviewed the policy which they have followed since 1934 in regard to the representation of Depressed Classes, since described in the Government of India Act, 1935 as 'Scheduled Castes', in services under their administrative control. In their Resolution No. F. 14/17-B/33, dated the 4th July 1934, the Government of India stated that in the then state of general education among these classes they did not consider that any useful purpose would be served by reserving for them a definite percentage of vacancies. In order, however, to secure fair representation for Scheduled Castes they directed that duly qualified members of these classes might be nominated to a public service even though recruitment to that service was being made by competition. Various measures have been taken since then to secure increased representation of the Scheduled Castes in the public services. The results obtained so far have, however, not been substantial. While the Government of India recognise that this is mainly due to the difficulty of getting suitably qualified candidates, they now consider that the reservation of a definite percentage of vacancies might provide the necessary stimulus to candidates of these castes to obtain better qualifications and thus make themselves eligible for various Government posts and services. It is believed that the grant of age concessions and the reduction of prescribed fees might also help to secure qualified candidates from among members of the Scheduled Castes. The Government of India have accordingly decided to prescribe the rules mentioned in paragraph 4 below.

2. On the basis of the proportion which the population of the Scheduled Castes bears to the population of the other communities entitled to a share in the present unreserved vacancies, the Scheduled Castes would be entitled to 12.75 percent out of the total number of such vacancies. It is, however, not likely that sufficient number of candidates from the Scheduled Castes would be forthcoming to fill the full number of vacancies to which they are entitled on a population basis. The Government of India have, therefore, come to the conclusion that for the present it will be sufficient to reserve a somewhat

smaller percentage, viz., 8 1/3. They propose to consider the question of raising this percentage as soon as a sufficient number of qualified candidates from these classes are found to be available.

3. The rules mentioned below will apply only to direct recruitment and not to recruitment by promotion which will continue to be made as at present without reference to communal considerations. They will apply to Central Services (Class I and Class II) and the Subordinate Services under the administrative control of the Government of India with the exception of a few services and posts for which highly technical or special qualifications are required and which have been excluded from the purview of the communal representation orders contained in their Resolution No. F. 14/17-B/33, dated the 4th July 1934. In regard to the Railways, the rules will apply to all posts other than those of inferior servants and labourers. The administrations of the Company-managed Railways will be asked to adopt similar rules for the services on those Railways.

4. The following rules will therefore be observed in future in order to secure better representation of the Scheduled Castes in public services :—

(1) 8 1/3 percent of all vacancies to be filled by direct recruitment of Indians in the Central and Subordinate Services to which recruitment is made on an all-India basis will be reserved for Scheduled Castes candidates.

(2) In the case of services to which recruitment is made by local areas or circles and not on an all-India basis, e.g., subordinate posts in the Railways, Posts and Telegraphs Department, the Customs Services, the Income-Tax Department, etc., the total reservation for India as a whole of 8 1/3 percent of vacancies for Scheduled Castes candidates will be obtained by fixing a percentage for each local area or circle having regard to the population of Scheduled Castes in the area or circle concerned and the rules for recruitment adopted by the Provincial Government of the area or circle concerned.

(3) When recruitment is made by open competition and Scheduled Castes candidates obtain fewer vacancies than are reserved for them, the difference will, if possible, be made up by the nomination of duly qualified candidates of those castes.

(4) If Scheduled Castes candidates obtain less than the number of vacancies reserved for them in open competition and duly qualified candidates of these castes are not available, or not available in sufficient numbers, for nomination, the remaining vacancies reserved for such candidates will be treated as unreserved ; but a corresponding number of vacancies will be reserved for them in that *year* under clause (1) or clause (2) above.

(5) If duly qualified candidates of the Scheduled Castes are again not available to fill the vacancies carried forward from the previous year under clause (4) the vacancies not filled by them will be treated as unreserved.

(6) In all cases) a minimum standard of qualification will be prescribed and the reservation will be subject to this condition.

(7) The maximum age limit prescribed for appointment to a service or post will be increased by three years in the case of candidates belonging to the Scheduled Castes.

(8) The fees prescribed for admission to any examination or selection will be reduced to one-fourth in the case of candidates belonging to the Scheduled Castes.

(9) The orders contained in the foregoing rules will also apply to temporary vacancies lasting three months or longer, including vacancies in permanent posts filled temporarily by persons not permanently employed in Government service.

(10) For the purposes of these rules a person shall be held to be a member of the Scheduled Castes if he belongs to a caste which under the Government of India (Scheduled Castes) Order, 1936, has been declared to be a Scheduled Caste for the area in which he and his family ordinarily reside.

Order.—Ordered that a copy of this Resolution be communicated to all Chief Commissioners, the several Departments of the Government of India, the Director, Intelligence Bureau, and the Federal Public Service Commission for information and guidance; to the Political Department, the Crown Finance Department, the Secretary to the Governor-General (Public), the Secretary to the Governor-General (Reforms), the Secretary to the Governor-General (Personal), the Legislative Assembly Department, the Federal Court, the Military Secretary to His Excellency the Viceroy, and all Provincial Governments for information, and also that the Resolution be published in the *Gazette of India*.

E. CONRAN-SMITH, Secy.

APPENDIX XXV

CRIPPS PROPOSALS

Published on March 29, 1941

DRAFT DECLARATION FOR DISCUSSION WITH INDIAN LEADERS

His Majesty's Government having considered the anxieties expressed in this country and in India as to the fulfilment of promises made in regard to the future of India have decided to lay down in precise and clear terms the steps which they propose shall be taken for the earliest possible realisation of self-government in India. The object is the creation of a new Indian Union which shall constitute a Dominion associated with the United Kingdom and other

Dominions by a common allegiance to the Crown but equal to them in every respect, in no way subordinate in any aspect of its domestic or external affairs.

His Majesty's Government, therefore, make the following Declaration:

- (a) Immediately upon cessation of hostilities steps shall be taken to set up in India in manner described hereafter an elected body charged with the task of framing a new Constitution for India.
- (b) Provision shall be made, as set out below, for participation of Indian States in the Constitution-making body.
- (c) His Majesty's Government undertake to accept and implement forthwith the Constitution so framed subject only to:—
 - (i) The right of any Province of British India that is not prepared to accept the new Constitution to retain its present constitutional position, provision being made for its subsequent accession if it so decides.

With such non-acceding Provinces, should they so desire, His Majesty's Government will be prepared to agree upon a new Constitution giving them the same full status as the Indian Union and arrived at by a procedure analogous to that here laid down.

(ii) The signing of a Treaty which shall be negotiated between His Majesty's Government and the Constitution-making body. This Treaty will cover all necessary matters arising out of the complete transfer of responsibility from British to Indian hands; it will make provision, in accordance with undertakings given by His Majesty's Government, for the protection of racial and religious minorities ; but will not impose any restriction on the power of the Indian Union to decide in future its relationship to other Member States of the British Commonwealth.

Whether or not an Indian State elects to adhere to the Constitution it will be necessary to negotiate a revision of its Treaty arrangements so far as this may be required in the new situation.

- (d) The Constitution-making body shall be composed as follows unless the leaders of Indian opinion in the principal communities agree upon some other form before the end of hostilities :—

Immediately upon the result being known of Provincial elections which will be necessary at the end of hostilities, the entire membership of the Lower Houses of Provincial Legislatures shall as a single electoral college proceed to the election of the Constitution-making body by the system of provincial representation. This new body shall be in number about 1/10th of the number of the electoral college.

Indian States shall be invited to appoint representatives in the same proportion to their total population as in the case of representatives of

British India as a whole and with the same powers as British Indian members.

- (e) During the critical period which now faces India and until the New Constitution can be framed His Majesty's Government must inevitably bear the responsibility for and retain the control and direction of the defence of India as part of their world war effort, but the task of organising to the full the military, moral and material resources of India must be the responsibility of the Government of India with the co-operation of the people of India. His Majesty's Government desire and invite the immediate and effective participation of the leaders of the principal sections of the Indian people in the counsels of their country, of the Commonwealth and of the United Nations. Thus they will be enabled to give their active and constructive help in the discharge of a task which is vital and essential for the future freedom of India.

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